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Attorneys for Plaintiff,  
Tonya Farrar

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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	:	
Tonya Farrar,	:	
Plaintiff,	:	Civil Case No.:
vs.	:	
H&P Capital, Inc.,	:	
Defendant.	:	
	:	

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**VERIFIED COMPLAINT**

Plaintiff, Tonya Farrar (Plaintiff), through her attorneys, Krohn & Moss, LTD., alleges the following against Defendant, H&P Capital, Inc., (Defendant):

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

**PARTIES**

2. Plaintiff is a natural person residing at 424 Central Avenue, # 44, Orange, Essex County,

New Jersey.

3. Defendant is a collection agency with a principal place of business located at 1919 Blanding Boulevard, Suite 14, Jacksonville Florida.
4. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
5. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

#### **JURISDICTION AND VENUE**

6. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
7. Defendant conducts business in the state of New Jersey, and therefore, personal jurisdiction is established.
8. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

#### **FACTUAL ALLEGATIONS**

9. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment of an alleged debt for a payday loan for \$185.00.
10. Defendant started placing collection calls to Plaintiff approximately one (1) month ago and calls Plaintiff from three (3) to four (4) times a day.
11. Defendant calls Plaintiff on her cellular telephone (862) 216-3383 from telephone number (904) 418-5000.
12. Plaintiff explained to Defendant that she lost her job and could afford to make only small

payments. Defendant's agent, Ray, rejected Plaintiff's offer and said that this was "not open for negotiation."

13. As a result of Defendant's agent's threats, Plaintiff became fearful and paid Defendant \$81.00 from a nearby money transfer store which cost Plaintiff an extra \$10.00.

14. A few days after Plaintiff's payment, Defendant's agent Steve Bryan, called Plaintiff to remind her of the balance on the account and threatened to "file charges" against Plaintiff if she did not pay the balance owed.

### **COUNT I**

#### **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of a debt.
- b. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c. Defendant violated §1692e(4) of the FDCPA by threatening to have Plaintiff arrested if she didn't pay the alleged debt when such action cannot legally be taken.
- d. Defendant violated §1692e(7) of the FDCPA by falsely representing and implying that Plaintiff committed a crime when Defendant threatened to have Plaintiff arrested and to file charges against her.
- e. Defendant violated §1692e(10) of the FDCPA by using false and deceptive

means to collect a debt when Defendant threatened to file charges against Plaintiff if she didn't pay the remaining balance on the account.

Wherefore, Plaintiff, Tonya Farrar, respectfully requests judgment be entered against Defendant, H&P Capital, Inc., for the following:

16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
18. Any other relief that this Honorable Court deems appropriate.

#### **DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff, Tonya Farrar demands a jury trial in this cause of action.

#### **CERTIFICATION PURSUANT TO LOCAL RULE 11.2**

Pursuant to Local Rule 11.2, I certify that this matter in controversy is not the subject of any other action pending in any court, arbitration, or administrative proceeding.

DATED: July 20, 2011

The Law Offices of Jennifer M. Kurtz, LLC

By: /s/ Jennifer M. Kurtz

Jennifer M. Kurtz  
Attorney for Plaintiff,  
Robert Ekness

**VERIFICATION**

STATE OF NEW JERSEY

Plaintiff, Tonya Farrar, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;

Pursuant to 28 U.S.C. § 1746(2), I, Tonya Farrar, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 6/18/2011

Tonya Farrar  
Tonya Farrar